

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL DONOGHUE and PREMIUM
MORTGAGE CORPORATION,

Plaintiffs,

-vs-

CYNTHIA NOSTRO, DYLAN RANDALL,
DAVID POPHAM and EVERETT FINANCIAL,
INC. d/b/a SUPREME LENDING,

Defendants.

**NOTICE OF
CROSS-MOTION AND
MOTION TO AMEND
THE STIPULATED
PROTECTIVE ORDER**

Case No. 6:20-cv-06100

PLEASE TAKE NOTICE that upon the annexed Declaration of Steven E. Cole in Response to Plaintiffs' Motion to Compel, and in support of defendant Everett Financial, Inc. d/b/a/Supreme Lending ("Supreme")'s Cross-Motion to Compel and Motion to Amend the Stipulated Protective Order, dated May 30, 2022; with exhibits, and the accompanying Memoranda of Law, as well as the prior pleadings and proceedings herein, Supreme, by their attorneys, Adams Leclair LLP, will cross-move this Court before the United States District Court Hon. Magistrate Judge Mark W. Pedersen, at the United States Courthouse, 100 State Street, Rochester, New York, at a date and time to be determined by the Court, for an Order pursuant to Rule 37(a) of the Federal Rules of Civil Procedure and to the Stipulated Protective Order [Dkt. 28], (a) compelling the Plaintiffs to provide the "computation of damages" and "the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered" as required by Fed.R.Civ.P 26(a)(1)(A)(iii); (b) compelling the Plaintiffs to answer "fully in writing under oath" Supreme Interrogatory Nos. 6 (First Set) and 1, 2, 4 and 5 (Second Set); (c) compelling the Plaintiffs to fully respond to Supreme Document Request Nos. 1, 2, 3, 8, 10, 11, 24, 25, 26, 27, 28, 29, 30, 41, 42, 43, 52, 64, 76, 85, 89, and 99 (First Set) and Nos. 1 and 2 (Second Set) by withdrawing asserted objections, producing responsive documents, and identifying the documents that are responsive to each request; (4) modifying the SPO to allow attorneys' eyes only designation for sensitive financial information; (5)

awarding Supreme its reasonable costs and attorneys' fees caused by Plaintiffs' failures; and
(6) granting such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that the defendants intend to file and serve
reply papers. Oral argument is requested.

DATED: May 30, 2022

ADAMS LECLAIR LLP

By: /s/ **Steven E. Cole**

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